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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 000342

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SUBJECT: NEPAL: FRANCE AND GERMANY AGREE TO PUSH FOR
ADOPTION REFORM

REF: KATHMANDU 0212

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d).

Summary

11. (C) On February 8, Ambassador Moriarty, French Ambassador Jolivet and German Ambassador Ring agreed that on-going concerns with international adoptions in Nepal required a joint push for reform. The meeting followed the Government of France's decision to suspend all individual adoptions from Nepal (reftel).

France: Adoption Needs Reform

12. (C) On February 8, Ambassador Moriarty, French Ambassador Michel Jolivet and German Ambassador Franz Ring met to address on-going concerns regarding international adoptions in Nepal. The meeting followed the Government of France's (GOF's) decision to suspend all individual adoptions from Nepal (reftel). Jolivet expressed concern over the Government of Nepal's (GON's) limited regulation of adoptions, fraudulent documents submitted in adoption cases, lack of control over French adoptive parents and a general deterioration of the adoption process in Nepal. He commented that he was a strong supporter of international adoptions, but that the situation in Nepal remained problematic. (Note: Jolivet adopted one of his own children from Cambodia. End Note). Jolivet was concerned by a lack of uniformity in fees paid by adoptive parents, proceeds which were allegedly pocketed by orphanage directors and GON officials. The number of adoptions processed for French families had multiplied from only 40 in 2005 to over 150 in 2006. Jolivet also lamented that there was a lack of GON control and oversight. He cited the Ministry of Women, Children and Social Welfare's (WCS's) inability to maintain a list of the orphanages currently allowed by the GON to process

international adoption cases.

French Case Examples

¶3. (C) Jolivet expressed shock over some of the adoption cases that had been presented to the GOF over the past year. In one case, adoptive parents were matched with a child certified as an orphan by the GON and paid several thousand Euros to the local orphanage. The child's biological parents subsequently came forward and demanded the return of their child. The orphanage refused to return the child to the biological parents until the Nepal Police intervened. In another case, French parents sent the orphanage several thousand Euros for the care of the child, including fees for a private nanny, but when they arrived in Nepal six months later to finalize the adoption they discovered that the money was gone and the two year old child weighed ten pounds.

Germany: Agreement

¶4. (C) Ambassador Ring stated that Germany had ended all individual adoptions in 2002. He added that Germany sees many of the same problems in their adoption cases from Nepal. Until recently there were only two German adoption agencies processing international adoptions in Nepal. The largest of the agencies which processed approximately 50 adoptions last year, was suspended by Germany in 2006. The remaining agency processed an average of only ten cases each year. Ring agreed that the GON needed to reform its adoption procedures.

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French Delegation To Visit Nepal

¶5. (C) Jolivet reported that the GOF was developing a new system to allow French adoptions to resume in Nepal. The first step was a fact-finding trip by French adoption authorities the week of February 12. The GOF would then review the findings and select a sole French adoption agency to process Nepali adoptions. The French agency, in consultation with the GOF, would then select a sole local Nepali orphanage. Jolivet confirmed that the GOF decision of January 31 had resulted in a complete stoppage of all French adoptions pending the establishment of the new system. (Note: Under the old French system in Nepal, parents were allowed to adopt individually -- without the use of a French agency. End note.) Jolivet confirmed that the GOF had already black-listed two orphanages in Nepal, Bal Mandir and Children's Home, because of concerns over specific cases and their general practices.

Next Joint Steps

¶6. (C) Ambassador Moriarty agreed with Jolivet's and Ring's concerns about adoption issues in Nepal, particularly related to possible human trafficking. Adoptions were also, however, a win/win situation for adopting parents and orphan children from Nepal, the Ambassador noted. He suggested that the international community push for reform of Nepali adoption law based on a UNICEF draft proposal submitted to the GON last summer. Jolivet stated that he intended to encourage European Union (EU) member states Italy and Spain to end individual adoptions from Nepal. (Note: Italy and Spain process around 250 adoption cases each per year. End Note.) Ring added that the EU consular group had been discussing their adoption concerns in Nepal, and had begun working on a joint statement to present at a GON-organized adoption conference in March. The three Ambassadors agreed to try to use the impending conference as an opportunity to push the GON toward meaningful reform.

Comment

¶7. (C) Embassy Kathmandu sees many of the same problems identified by the French and Germans in the adoptions cases we process. The planned adoption conference in March provides an opportunity for the international community to address our concerns with the GON as a unified front. The Embassy is coordinating a letter with European missions to urge the GON toward meaningful reform before the start of the adoption conference.

MORIARTY